

INTERGOVERNMENTAL AGREEMENT

AMONG
THE STATE OF ARIZONA,
THE CITY OF COOLIDGE
AND
PINAL COUNTY, ARIZONA

THIS AGREEMENT is entered into 3 June, 1998,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") the CITY OF COOLIDGE, acting by and through its MAYOR and CITY COUNCIL
(the "City") and PINAL COUNTY, ARIZONA, acting by and through its BOARD OF
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated to the undersigned the
authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter
into this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized the undersigned to execute
this agreement on behalf of the County.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into
this agreement and has by resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has authorized the undersigned to execute
this agreement on behalf of the City.

3. Incident to the States reconstruction of the railroad overpass on SR-287 at the
Southern Pacific Railroad (at MP 134.7) it will be necessary to close SR-287 for the duration
of construction. The State, the City and the County have agreed the best traffic detour will
utilize (from the intersection of SR-87 and Florence Blvd.) Vah Ki Inn Road in the City East to
Attaway road then North on Attaway Road returning to SR-287. Due to the current condition
of the detour roadways it will be necessary for the State to construct improvements to the
entire detour.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as
follows:

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NO. 22398
Filed with the Secretary of State
Date Filed: 06/03/98
Debra Bayless
Secretary of State
By: William H. Harnwood

II. SCOPE

1. The State will:

a. Upon approval and by formal resolution of the State Transportation Board, accept Vah Ki Inn Road in the City and the County and Attaway Road in the County into the State highway system, provided however; that the City and County roads aforementioned shall be a part of the State highway system only so long as the State requires the use of the roads for construction of the necessary improvements for the detour, and then utilizes the roads as a detour during construction of renovations to the SR-287 railroad overpass. Upon completion of such railroad overpass improvements and use of the roads as a detour, the ownership and maintenance jurisdiction of the respective roads shall revert back to the City and the County.

b. Provide design plans, specifications and such other documents and services required for the construction bidding and construction of a 2" AC overlay on Vah Ki Road (26' wide) and a 3" overlay on Attaway Road (26' wide) of the County roadway required for the detour and seal the City roadway required for the detour, as well as reconstruct the irrigation crossing on Attaway Road, including the extension of the 24" RCP 12 feet and the construction of a new headwall, and improvements to the intersection of SR-287 at Attaway Road to provide safe turning movements. Incorporate County and City review comments

c. Call for bids and award one or more construction contracts for the overlay and seal coat project. Administer same and make all payments to the contractor. Be responsible all costs associated with the detour roadway improvements, at a cost currently estimated at \$220,000.00, and for any contractor claims for extra compensation due to delays or whatever reason.

d. Upon completion, approve and accept the improvements on behalf of the parties hereto as complete.

2. The City will:

a. Issue the State or its contractor any required permits for the roadway improvements necessary for the road to be used as a detour.

b. By specific language in a City Council Resolution approving this agreement, grant the State the right to accept the necessary City roadway into the State highway system, seal coat the roadway and use the road for a temporary detour during construction of the SR-287 railroad overpass, and further, affirm the City's concurrence that upon completion of the States project, the City roadway shall revert back to City ownership and maintenance jurisdiction.

c. If applicable, waive the requirements of Arizona Revised Statute Section 28-7209 (formerly 28-106).

3. The County will:

a. Issue the State or its contractor any required permits for the roadway improvements necessary for the road to be used as a detour.

b. By specific language in a Board of Supervisors Resolution approving this agreement, grant the State the right to accept the necessary County roadways into the State highway system, construct the necessary AC overlays on the roadways, and use the roads for a temporary detour during construction of the SR-287 railroad overpass, and further, affirm the County's concurrence that upon completion of the States project, the County roadways shall revert back to County ownership and maintenance jurisdiction.

c. If applicable, waive the requirements of Arizona Revised Statute Section 28-7209 (formerly 28-106).

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and use of the roadways as a detour; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, unless assumed by another governmental entity, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Pinal County
County Engineer
PO Box 727
Florence, AZ 85232

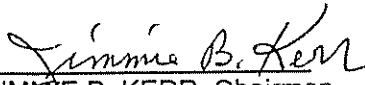
City of Coolidge
City Manager
PO Box 1498
Coolidge, AZ 85228-1498

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

PINAL COUNTY

CITY OF COOLIDGE

By 
JIMMIE B. KERR, Chairman
Board of Supervisors 7-22-98

By 
TOM SHOPE
Mayor

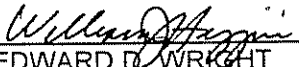
ATTEST

ATTEST

By 
STANLEY D. GRIFFIS
Clerk of the Board

By 
LISA PANNELLA
City Clerk

STATE OF ARIZONA
Department of Transportation

By 
EDWARD D. WRIGHT
Deputy State Engineer

RESOLUTION NO. 98-14

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF COOLIDGE, AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION AND PINAL COUNTY ARIZONA TO GRANT THE STATE THE RIGHT TO ACCEPT THE NECESSARY CITY ROADWAY INTO THE STATE HIGHWAY SYSTEM, SEAL COAT THE ROADWAY AND USE THE ROAD FOR A TEMPORARY DETOUR DURING CONSTRUCTION OF THE SR-287 RAILROAD OVERPASS.

WHEREAS, the City is empowered by Arizona Revised Statutes §48-572 to enter into an agreement with The State of Arizona and Pinal County; and

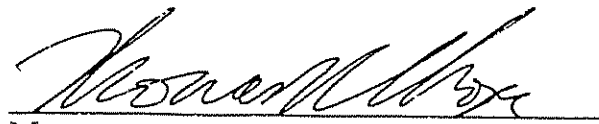
WHEREAS, the State desires to reconstruct the railroad overpass on SR-287 at the Southern Pacific Railroad (at MP 134.7); and

WHEREAS, it will be necessary to close the railroad overpass on SR-287, for the duration of reconstruction; and

WHEREAS, the State, the City, and the County have agreed the best traffic detour will utilize (from the intersection of SR-287 and Florence Blvd.) Vah Ki Inn Road in the City East to Attaway Road then North on Attaway Road returning to SR-287.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the City of Coolidge, that the Mayor for the City of Coolidge is, hereby, authorized and directed to execute and deliver an Intergovernmental Agreement between the State of Arizona Department of Transportation, Pinal County and the City of Coolidge to grant the State the right to accept the necessary City roadway into the State highway system, seal coat the roadway and use the road for a temporary detour during construction of the SR-287 railroad overpass, and further, affirm the City's concurrence that upon completion of the State's project, the City roadway shall revert back to City ownership and maintenance jurisdiction.

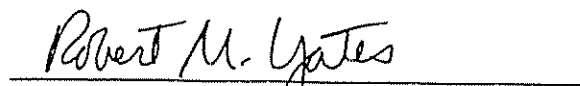
PASSED AND ADOPTED by the Mayor and Common Council of the City of Coolidge this 13th day of April, 1998.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

JPA 98-10

APPROVAL OF THE PINAL COUNTY ATTORNEY

I have reviewed the above-referenced proposed Intergovernmental Agreement between the State of Arizona, acting through the Department of Transportation, City of Coolidge, and Pinal County, and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 15th day of April, 19 98.

ROBERT CARTER OLSON
PINAL COUNTY ATTORNEY

By Patricia A. Grieb
Deputy County Attorney



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE: 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-0233TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE May 26, 1998.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/12631

Enc.